

PATENT DOCKET 205,360

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: GRABITZ EXAMINER:  
SERIAL NO.: 10/018,451 ART UNIT.:  
FILED: October 22, 2001  
TITLE: INACTIVATED MICROORGANISMS  
COMPRISING SUBSTANCES  
HAVING PHARMACOLOGICAL ACTIVITY

March 7, 2002

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. §371**

Hon. Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

SIR:

**STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. § 1.10**

This correspondence is being deposited with the United States Postal Service on March 7, 2002 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ET 537 596 664 US addressed to the Honorable Commissioner for Patents, Washington, D.C. 20231.

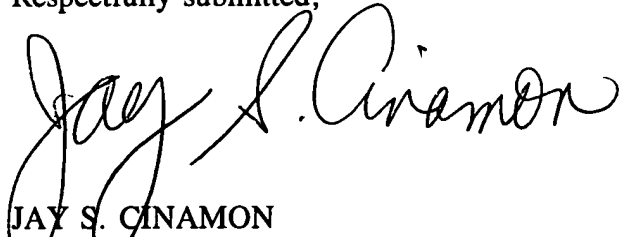
REMARKS

In response to the Notification of Missing Requirements, copy enclosed, of February 14, 2002, Applicant submits herewith properly executed Declaration/Power of Attorney.

Our check in the amount of \$65.00 is enclosed to cover the Declaration surcharge for a small entity.

Please charge any other fees which may be due to our Deposit Account No. 01-0035.

Respectfully submitted,



JAY S. CINAMON  
Registration No. 24,156  
Attorney for Applicant

**ABELMAN FRAYNE & SCHWAB**  
150 East 42nd Street  
New York, New York 10017-5612  
Tel. (212) 949-9022  
Fax (212) 949-9190

notarbar\3702gra.rsp

03/18/2002 MALI11 00000040 10018451

01 FC:254

65.00 OP



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box 901  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/018,451	Ernst Bernhard GRABITZ	205,360

INTERNATIONAL APPLICATION NO.
-------------------------------

PCT/EP00/03586

I.A. FILING DATE	PRIORITY DATE
04/20/2000	04/22/1999

Jay S Cinamon  
 Abelman Frayne & Schwab  
 150 East 42nd Street  
 New York, NY 10017

DUE BY SP 4/14/02DOCKETED ON 3/1/02

DOCKETED WITHOUT FILE

ATTORNEY JSC

Date Mailed: 02/14/2002

CONFIRMATION NO. 4546

371 FORMALITIES LETTER



\*OC000000007467868\*

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 305-3662

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/018,451	PCT/EP00/03586	205,360

FORM PCT/DO/EO/905 (371 Formalities Notice)